

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WITNESS/EXHIBIT LIST

Bench Trial before Magistrate Judge Hogan
beginning October 6, 2004 and ending October 7, 2004

Savannah College of Art and Design, Inc.,
Plaintiff,

v.

Case No. 1:02cv490
(Hogan, M.J.)

Philippe Houeix,
Defendant.

<i>Caption</i> Savannah College of Art & Design, Inc. V. Philippe Houeix						<i>Docket Number</i> 1:02cv490
<i>Plaintiff's Attorney</i> David Stewart/John Patrick Elsevier/Stephen Butler/Ernie Lee (in-house counsel)			<i>Defendant's Attorney</i> John Rebel			<i>Trial Day(s)</i> October 6-7, 2004
<i>Presiding Judge</i> Timothy S. Hogan			<i>Courtroom Deputy</i> Barbara Crum			<i>Court Reporter Name & Date(s)</i> Jennifer Coats, Ace Reporting, 10/6/04 & 10/7/04
Plf. #	Def.#	Date Shown	Offered	Admitted	Witness/Attorney	<i>Description of Exhibits or Witnesses</i>
P5		10/6	X	X	Murphy/Stewart	Color Brochure for the SCAD Parents Association
P6		10/6	X	X	Murphy/Stewart	Color SCAD Money Matters Newsletter
P7		10/6	X	X	Murphy/Stewart	Color SCAD Athletics Creating Champions Brochure
P8		10/6	X	X	Murphy/Stewart	Color Brochure for Trustees theatrre - Lucas Theater for the Arts 2002-2003 Season
P9		10/6	X	X	Murphy/Stewart	Color Program for Trustees Theater - Lucas Theater for the Arts 2002-2003 Season
P13		10/6	X	X	Murphy/Stewart	Color Looking for SCAD Artists Mailer
P14		10/6	X	X	Murphy/Stewart/Rebel	Color The Campus Newsletter
P16		10/6	X	X	Murphy/Stewart	Color SCAD 2002 Athletics Schedule
P17		10/6	X	X	Murphy/Stewart	Color SCAD Spring 2001 Media Guide
P18		10/6	X	X	Murphy/Stewart/Rebel	Color SCAD Viewbook
P19		10/6	X	X	Murphy/Stewart	SCAD Catalog
P20		10/6	X	X	Murphy/Stewart/Rebel	SCAD "See Your Dreams" Poster
P29		10/6	X	X	Murphy/Stewart	Composite Exhibit of National Newspaper Ads for SCAD
P30		10/6	X	X	Murphy/Stewart	Composite Exhibit of Local Newspaper Ads for SCAD
P32		10/6	X	X	Murphy/Stewart	Composite Exhibit of Newspaper Articles about SCAD
P33		10/6	X	X	Murphy/Stewart	Composite Exhibit of Burrelle's Information Services transcripts from TV & Radio Sportscast re: SCAD
P34		10/6	X	X	Murphy/Stewart	Burrelle's Information Services transcript from news article from The Star Online (Berhad, Malaysia) placed on the World Wide Web
P80		10/6	X	X	Murphy/Stewart	Color SCAD Day 10/16/2004 Mailer
P81		10/6	X	X	Murphy/Stewart	Color SCAD Days 2004-2005 Mailer
P3		10/6	X	X	Murphy/Stewart	Photo & Description of SCAD Trustees Theater
P2		10/6	X	X	Murphy/Stewart	Composite Exhibit: Photocopies of SCAD Branded Merchandise
P21		10/6	X	X	Murphy/Stewart	SCAD T-Shirt (Real T-Shirt to be used at trial)

Plf. #	Def.#	Date Shown	Offered	Admitted	Witness/Attorney	Description of Exhibits or Witnesses
P22		10/6	X	X	Murphy/Stewart	Property of SCAD Bees Basketball T-Shirt (Real T-Shirt to be used at trial)
P23		10/6	X	X	Murphy/Stewart	SCAD Baseball Cap (Real hat to be used at trial)
P24		10/6	X	X	Murphy/Stewart	SCAD Sports Bottle (Real bottle to be used at trial)
P25		10/6	X	X	Murphy/Stewart	SCAD Keytag (Real keytag to be used at trial)
P26		10/6	X	X	Murphy/Stewart	SCAD Bandanna (Real bandanna to be used at trial)
P27		10/6	X	X	Murphy/Stewart	SCAD Pennant (Real pennant to be used at trial)
P28		10/6	X	X	Murphy/Stewart	SCAD Stickers (Real stickers to be used at trial)
P1		10/6	X	X	Murphy/Stewart/Rebel	Certificate of Registration for SCAD Mark, Registratio No, 2,686,644
P35		10/6	X	X	Murphy/Stewart	Printout of SCAD.EDU Home Page
P4		10/6	X	X	Murphy/Stewart	Verisign WHOIS Search Result for SCAD.EDU domain name registration
P74		10/6	X	X	Murphy/Stewart/Rebel	Printout of pages of search results of search on the term "scad" in Yahoo! Search engine
P75		10/6	X	X	Murphy/Stewart/Rebel	Printout of pages of search results of search on the term "scad college" in Yahoo! Search engine
P40		10/6	X	X	Murphy/Stewart	Printout from SCAD.INFO Home Page, 1/23/2002
P41		10/6	X	X	Murphy/Stewart	Printout from SCAD.INFO Home Page, 10/17/2002
P42		10/6	X	X	Murphy/Stewart	Printout from SCAD.INFO Home Page, 7/21/2003
J1		10/6	X	X	Murphy/Stewart	Printout of SCAD.INFO home page
		10/6			Murphy/Stewart	Demonstration: Browser window of the google website: search "www.scad.info" website
		10/6			Murphy/Stewart	scad.info home page/emails of the week updated 9/12/04/back to the home page of scad.info/SCAD testimonies update 9/5/04/Letters of Students link/back to home page of scad.info/Foreign Students seeking info (World Student)/Partners link/back to scad.info home page/www.livejournal.com link/General Info Link/back to home page of scad.info/yahoo/students link/back to scad.info home page
P44		10/6	X	X	Murphy/Stewart	Printouts from SCAD.INFO Web Site (Emails of the Week) dated 9/1/04
J2		10/6	X	X	Murphy/Stewart	Printout of scad-and-us.info home page

Plf. #	Def.#	Date Shown	Offered	Admitted	Witness/Attorney	Description of Exhibits or Witnesses
P43		10/6	X	X	Murphy/Stewart/Rebel	Printout from SCAD.INFO Web Site (Letters of Students) dated 9/1/04
P46		10/6	X	X	Murphy/Stewart	Composite Exhibit Printouts for WORLDSTUDENT.COM web site (Pages need to be rearranged to be in proper order)
P79		10/6	X	X	Murphy/Stewart	Color printout of additional pages from LIVE JOURNAL.COM web site (Defendant objects to this exhibit - admitted)
J3		10/6	X	X	Murphy/Stewart	Printout of webpage located at "www.livejournal.com/community/scad-community/30659.html"
P84		10/6	X	X	Murphy/Stewart	Printout of yahoo students link as of 10/6/04
P75		10/6	X	X	Murphy/Stewart	Printout of pages of search results of search on the terms "scad college" in Yahoo! search engine
P51		10/6	X	X	Murphy/Stewart	E-Mail from Sarah Talrega to Nancy Taneberg, 6/27/2002 (Defendant objects to this exhibit - arguments heard - not admitted)
P56		10/6	X	X	Murphy/Stewart	Printout of the home page of the Rutgers University web site, located at the URL www.byu.info
P57		10/6	X	X	Murphy/Stewart	Printout of the home page of the Brigham Young University web site, located at the URL www.rutgers.info
P58		10/6	X	X	Murphy/Stewart	Printout of the home page of J.W. McClure School of Communications systems Management at Ohio University, located at the URL www.mcclureschool.info
P60		10/6	X	X	Murphy/Stewart	Printout of the home page of the Michigan State University College of Law Animal Legal & Historical Center web site, located at the URL www.animallaw.info
P61		10/6	X	X	Murphy/Stewart	Printout of the home page of the University of Massachusetts Center for Information Technology and Dispute Resolution web site, located at the URL www.odr.info
P62		10/6	X	X	Murphy/Stewart	Printout of the home page of the web site of the <u>Einstein Papers Project</u> at the <u>California Institute of Technology</u> , located at the URL www.alberteinstein.info
P63		10/6	X	X	Murphy/Stewart	Printout of the home page of the San diego State University faculty and student news site, located at the URL www.sdsuniverse.info
P64		10/6	X	X	Murphy/Stewart	Printout of the Arizona State University basketball program web site, located at the URL www.asu.info

Plf. #	Def.#	Date Shown	Offered	Admitted	Witness/Attorney	Description of Exhibits or Witnesses
P65		10/6	X	X	Murphy/Stewart	Printout of the home page of the website of the Phenomenology Institute at the University of Wisconsin, located at the URL www.pheno.info
P66		10/6	X	X	Murphy/Stewart	Printout of the home page of Cornell College web site, located at the URL www.cornellcollege.info
P67		10/6	X	X	Murphy/Stewart	Printout of the home page of the Southern Regional Forestry web site, a collective effort of a number of universities, including Auburn, LSU, Georgia, Florida and Kentucky, located at the URL www.sref.info
P68		10/6	X	X	Murphy/Stewart	Printout of the home page of the website of Golden West College located at the URL www.gwc.info
P69		10/6	X	X	Murphy/Stewart	Printout of the home page of the Western International University web site, located at the URL www.wintu.info
P73		10/6	X	X	Murphy/Stewart	Printout of home page of the University of Colorado cancer Center, located at the URL www.uccc.info
P53		10/6	X	X	Murphy/Stewart/Rebel	Printout from YAHOO.COM web site
P54		10/6	X	X	Murphy/Stewart/Rebel	Printout from YAHOO.COM web site dated 11/25/2003
	D25	10/6			Murphy/Rebel	USPTO printout registration of mark SAVANNAH COLLEGE OF ART AND DESIGN
	D26	10/6			Murphy/Rebel	USPTO printout registration of mark for logo and SAVANNAH COLLEGE OF ART AND DESIGN
P15		10/6			Murphy/Rebel	Color Savannah College of Art & Design Historic Preservation Brochure
	D24	10/6			Murphy/Rebel	Summary of trademark registration application of scad
		10/6			Murphy/Rebel	Demonstration: Browser window of the google website: search "www.scad.info" website; home page of SCAD.INFO/world student link/partners link/home page for SCAD.INFO/security campus.org link/SACS link/testimonies link/letters of students link/back to the home page/letters of faculty link/back to home page/Article of SCAD link/go to yahoo.com search engine/search for "scad college"/back to SCAD.INFO home page/livejournal link/about link/general information link
P38		10/6	X	X	Houeix/Elsevier	Verisign WHOIS Search result for SCAD.INFO domain name registration
P39		10/6	X	X	Houeix/Elsevier	Verisign WHOIS Search Result for SCAD-AND-US.info domain name registration
		10/6			Houeix/Elsevier/Rebel	Page 193 Houeix Depo
P53		10/6			Houeix/Elsevier	Printout from YAHOO.COM web site
						Plaintiff rests.
P40		10/6			Houeix/Elsevier	Printout from SCAD.INFO Home Page, 1/23/200

	D1	10/6	X		Houeix/Rebel	CPR Institute for dispute Resolution CPR 0206 Savannah College Art & Design v. Houeix - Decision (Plaintiff objects - arguments heard - not admitted)
--	----	------	---	--	--------------	---

Caption Savannah College of Art & Design, Inc. V. Philippe Houeix						Docket Number 1:02cv490
Plf. #	Def.#	Date Shown	Offered	Admitted	Witness/Attorney	Description of Exhibits or Witnesses
	D2	10/6	X	X	Houeix/Rebel	scad.info home page, 9/1/2004
	D3	10/6	X	X	Houeix/Rebel	scad-&-us.info home page
	D4	10/6	X	X	Houeix/Rebel	Link: Article about Savannah College Art & Design: Lingua Franca Sinister Design
	D5	10/6	X	X	Houeix/Rebel	Link: Article about Savannah College Art & Design: Crime
	D6	10/6	X	X	Houeix/Rebel	Link: Positions & decisions of educative organizations
	D7	10/6	X	X	Houeix/Rebel	Link: Securitycampus.org
	D8	10/6	X	X	Houeix/Rebel	Link: www.worldstudent.com/uk/mag/features/accreditation.shtml web page
	D9	10/6	X	X	Houeix/Rebel	Link: http://teachers.net/mentors/higher_education/topic257/611.01.13.16.39.html forum
	D10	10/6	X	X	Houeix/Rebel	Link: www.livejournal.com/community/scad-community/30659.html forum web page
	D11	10/6	X	X	Houeix/Rebel	Link: groups.yahoo.com/group/scad3/message44 forum for scad students web page
	D12	10/6	X	X	Houeix/Rebel	Link: Savannah College Art & Design Testimonies
	D13	10/6	X	X	Houeix/Rebel	Link: Dossier/My Case
	D14	10/6	X	X	Houeix/Rebel	Link: Details and Documents
	D15	10/6	X	X	Houeix/Rebel	Link: Houeix's Faculty Schedule Fall 200 to summer 2001
	D16	10/6	X	X	Houeix/Rebel	Link: Houeix's Student Schedule Fall 2000 to Summer 2001
	D17	10/6	X	X	Houeix/Rebel	Link: Houeix's Grade Transcript Fall 2000 to Summer 2001
	D18	10/6	X	X	Houeix/Rebel	Link: Houeix's Grade Report Winter 2001
	D19	10/6	X	X	Houeix/Rebel	Link: Houeix's Grade Report Summer 2001
	D20	10/6	X	X	Houeix/Rebel	Grade changes
	D21	10/6			Houeix/Rebel	Tray Crow's e-mails (discovery from Plaintiff)
	D22	10/6	X	X	Houeix/Rebel	Summary of web searches (Plaintiff objects to this exhibit - arguments heard - defendant must authenticate all the web sites - defendant offers redacted summary page and page dealing with Princeton University and page beginning with SCAD Group Welcomes You - Plaintiff objects to 1 st page and the 2 nd & 3 rd to last pages - exhibit admitted with the exception to page 1 and 2 nd & 3 rd to last pages (4 th & 5 th pages of exhibit))
	D24	10/6			Houeix/Rebel	Summary of trademark registration application of scad

<i>Caption</i> Savannah College of Art & Design, Inc. V. Philippe Houeix						<i>Docket Number</i> 1:02cv490
Plf. #	Def.#	Date Shown	Offered	Admitted	Witness/Attorney	Description of Exhibits or Witnesses
	D25	10/6	X	X	Houeix/Rebel	USPTO printout registration of mark SAVANNAH COLLEGE OF ART & DESIGN
	D26	10/6	X	X	Houeix/Rebel	USPTO printout registration of mar for logo and SAVANNAH COLLEGE OF ART & DESIGN
	D28	10/6			Houeix/Rebel	Web page livejournal.com/support/faq.bml
P35		10/6			Houeix/Rebel	Printout of SCAD.EDU Home Page
		10/7			Houeix/Elsevier	using address line a demo was performed using the following web address: scad.ac.jp; using the google search engine a demo was performed using scad.ac.jp; using address
	D22	10/7			Houeix/Elsevier	Summary of web searches
		10/7			Houeix/Elsevier	using the address line of google a demo was performed using the following web address: www.montic.de
P43		10/7			Houeix/Elsevier/Rebel/ Elsevier/Rebel	Printout from SCAD.INFO Web Site (Letters of Students) dated 9/1/04
P85		10/7	X	X	Houeix/Elsevier	Alumni Postings
		10/7			Houeix/Elsevier	demo using address www.scad.info ; alumni link
P86		10/7	X	X	Houeix/Elsevier	email between Houeix and Beth Concepcion
						Defendant rests. Plaintiff's rebuttal.
P87		10/7	X	X	Murphy/Stewart	Printout of the current SCAD web site
P88		10/7	X	X	Murphy/Stewart/Rebel	Printout of the current SCAD web site regarding admissions
P89		10/7	X	X	Murphy/Stewart	Printout of web site for SCAD radio
D17		10/7			Murphy/Rebel	Link: Houeix's Grade Transcript Fall 2000 to Summer 2001
D31		10/7	X	X	Murphy/Rebel	Poster - Palmer/Johnson competition (Plaintiff objects to this exhibit) - admitted
D32		10/7			Murphy/Rebel	Printout of a web site page from the Campus Chronicle
D33		10/7			Murphy/Rebel	Printout of a web site page
		10/7			Houeix/Elsevier	Page 89 Houeix Depo
						Plaintiff rests.